S.B.CIVIL WRIT PETITION NO.1882/2007
Shankar Lal Vs. Banshi Lal & ors.

DATE OF ORDER :: 24th July, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Shambhoo Singh, for the petitioner.

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By this petition for writ a challenge is given to the order dated 16.1.2007 passed by the learned Addl. Civil Judge (Sr. Div.), Dungarpur rejecting the election petition preferred by the petitioner assailing the election of return candidate Sh. Banshilal as Member, Panchayat Samiti – Bicchiwara.

The contention of learned counsel for the petitioner is that the office for which respondent No.1, Sh. Banshilal contested the election was reserved for Scheduled Caste and the petitioner being 'Garg' by caste is not a member of Scheduled Caste. The trial court erred while holding that the return candidate Sh. Banshilal though use 'Garg' as his surname but as a matter of fact he is 'Garo Garda', and therefore, is a member of Scheduled Caste.

I have heard counsel for the petitioner and examined order impugned.

The finding given by the learned trial court is based on evidence available on record and on basis of sound appreciation of that. Learned court below has taken into consideration all customs and rituals applicable and adopted by family of the return candidate and by examination of that reached at a specific conclusion that return candidate Sh. Banshilal is 'Garo Garda' by caste.

I do not find any error in the finding given by the court below that may warrant interference of this Court under Article 226 and 227 of the Constitution of India. Accordingly, this petition for writ is dismissed.

(GOVIND MATHUR),J.

jgoyal